# MAINE STATE LEGISLATURE

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## 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

**Legislative Document** 

No. 1394

S.P. 483

In Senate, March 22, 2005

An Act To Require That Judicial Hearings Be Conducted in Hospitals Providing Involuntary Inpatient Psychiatric Services

Reference to the Committee on Judiciary suggested and ordered printed.

JOY J. O'BRIEN Secretary of the Senate

Presented by Senator BRENNAN of Cumberland.
Cosponsored by Representative MARLEY of Portland and
Senators: GAGNON of Kennebec, MAYO of Sagadahoc, SCHNEIDER of Penobscot,
Representatives: ADAMS of Portland, BARSTOW of Gorham, CUMMINGS of Portland,
PINGREE of North Haven.

### Be it enacted by the People of the State of Maine as follows:

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Sec. 1. 34-B MRSA §3864, sub-§5,  $\P$ B, as amended by PL 1997, c. 422, §17; PL 2001, c. 354, §3; and PL 2003, c. 689, Pt. B, §6, is further amended to read:

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B. The hearing must be conducted in as informal a manner as may be consistent with orderly procedure and in a physical setting not likely to have harmful effect on the mental health of the person. If--the--setting--is--eutside--the hespital-to-which-the-patient-is-currently-admitted,--the Department -- of -- Health -- and -- Human -- Services -- shall -- bear -- the responsibility-and-expense-of-transporting-the-patient-te and-from-the-hearing. If the person has been admitted to a hospital the hearing must be held in that hospital. the patient person is to be admitted to a hospital following the hearing, then the responsible hospital shall transport the patient person to the admitting hospital. patient person is to be released following the hearing, then the responsible hospital shall return the patient person to the hospital or, at the patient's person's request, return the patient person to the patient's person's place of residence.

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#### **SUMMARY**

This bill requires that an involuntary commitment hearing for a person who has been admitted to a hospital must be held in that hospital.